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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,425	12/03/2003	Henry K. Hardcastle III	01188.00.0153	5811

7590 03/16/2009  
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EXAMINER
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FAYYAZ, NASHMIYA SAQIB

ART UNIT	PAPER NUMBER
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2856

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03/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/726,425	<b>Applicant(s)</b> HARDCASTLE, HENRY K.	
	<b>Examiner</b> Nashmiya S. Fayyaz	<b>Art Unit</b> 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-189 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-189 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 2,17-29, drawn to assembly for weathering test with target board, classified in class 73, subclass 865.6.
- II. Claims 3, 106 drawn to assembly/method for weathering test with temperature control system that dynamically defines desired temperature, classified in class 73, subclass 865.6.
- III. Claims 5-11,107-114, drawn to assembly/method for weathering test with concentrating device, classified in class 73, subclass 865.6.
- IV. Claims 12-16, drawn to assembly/method for weathering test with a particular temperature control system, classified in class 73, subclass 865.6.

**Claims 1,4 links I-IV.**

**Claim 105 links II and III.**

- V. Claims 31,46-58,62,63, drawn to assembly for weathering test with target board (with temperature offset of claim 30), classified in class 73, subclass 865.6.

- VI. Claim 32, drawn to assembly for weathering test with temperature control system that dynamically defines desired temperature (with temperature offset of claim 30), classified in class 73, subclass 865.6.
- VII. Claims 34-40, drawn to assembly for weathering test with concentrating device (with temperature offset of claim 30), classified in class 73, subclass 865.6.
- VIII. Claims 41-45,60,61, drawn to assembly for weathering test with particularly temperature control system (with temperature offset of claim 30), classified in class 73, subclass 865.6.
- IX. Claim 65,66, drawn to assembly for weathering test with groups of different offsets (with temperature offset of claim 30), classified in class 73, subclass 865.6.

**Claims 1,30,33,59,64 link V-IX.**

- X. Claims 68,83-95,99,100, drawn to assembly for weathering test with target board (with temperature offset and different solar wavelength ranges of claim 67), classified in class 73, subclass 865.6.
- XI. Claim 69, drawn to assembly for weathering test with temperature control system that dynamically defines desired temperature (with temperature offset and different solar wavelength ranges of claim 67), classified in class 73, subclass 865.6.

XII. Claims 71-77, drawn to assembly for weathering test with concentrating device (with temperature offset and different solar wavelength ranges of claim 67), classified in class 73, subclass 865.6.

XIII. Claims 78-82,97,98, drawn to assembly for weathering test with particularly temperature control system (with temperature offset and different solar wavelength ranges of claim 67), classified in class 73, subclass 865.6.

XIV. Claims 102,103, drawn to assembly for weathering test with groups of different offsets (with temperature offset and different solar wavelength ranges of claim 67), classified in class 73, subclass 865.6.

XV. Claim 104, drawn to assembly for weathering test with groups of different wavelengths in different arrays (with temperature offset and different solar wavelength ranges of claim 67), classified in class 73, subclass 865.6.

**Claims 1,30,67,70,96,101 link X-XV.**

XVI. Claim 116, drawn to method for weathering test with temperature control system that dynamically defines desired temperature (with determination of a desired temperature of claim 115), classified in class 73, subclass 865.6.

XVII. Claims 117-143,147,148, drawn to method for weathering test with concentrating device (with determination of a desired temperature of claim 115), classified in class 73, subclass 865.6.

XVIII. Claims 150,151, drawn to method for weathering test with groups of different offsets (with determination of a desired temperature of claim 115), classified in class 73, subclass 865.6.

**Claims 1,67,115,144-146,149 link XVI to XVIII**

XIX. Claims 153-180,182-185 drawn to method for weathering test with temperature control system that dynamically defines desired temperature (with exposing specimens to different solar wavelengths of claim 152), classified in class 73, subclass 865.6.

XX. Claim 187,188 drawn to method for weathering test with groups of different offsets (with exposing specimens to different solar wavelengths of claim 152), classified in class 73, subclass 865.6.

XXI. Claim 189 drawn to method for weathering test with groups of different wavelengths in different arrays (with exposing specimens to different solar wavelengths of claim 152), classified in class 73, subclass 865.6.

**Claims 1,30,67,115,152,181,186 link XIX to XXI.**

All of the claims listed in any one group are patentably distinct from the claims in the remaining groups.

All of the apparatus claims of any one group are related to the apparatus claims of the remaining groups as combination versus subcombination. As all of the limitations of the subcombination are not found in the combination, and as the subcombination can be used is a different apparatus (i.e. an apparatus that does not use a "target board", but uses a rack; an apparatus that does not "dynamically" define temperature to simulate, but uses a single fixed temperature; an apparatus that does not employ a concentrating device, but simply employs a bulb; an apparatus that does not employ a temperature control whose input generates a dynamic reference signal, but employs a fixed reference; an apparatus that does not employ different wavelengths, but employs a single wavelength; etc).

All of the method claims of any one group are related to the apparatus claims of the remaining groups as method and apparatus for its use. As either the method can be carried out by a patentably distinct apparatus, or the apparatus can be used to carry out a patentably distinct method, the groups are distinct. For example, a method need not employ a "target board", but may a rack; an method need not "dynamically" define temperature to simulate, but may a single fixed temperature; an method need not employ a concentrating device, but may simply employs a bulb; an method need not employ a temperature control whose input generates a dynamic reference signal, but may employ a fixed reference; and a method need not employ different wavelengths, but employ a single wavelength; etc).

The burden for search each of the 21 groups is enormous, as searching requires individual key word searches for different groups, regardless of any particular classification.

The Undersigned does recognize that there are many evidence claims (ABbr) though out the claims (ABsp,ABbr,Bsp), and realizes that some claims (Bsp) may be rejoined in the event that an evidence claim (ABbr) is found to be rejectable over prior art (necessarily calling for a search for ABsp, which suggests there may not be a burden to search for the subcombination Bsp).

The Undersigned recognizes that claim 1 appears to link all of the claims, and thus, all of the claims may be rejoined in the event that claim 1 is found to be allowable over prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Mon to Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications



may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert R. Raevis/

Primary Examiner, Art Unit 2856

/N. S. F./

Examiner, Art Unit 2856